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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,055	12/27/2000	Vilho Raisenen	442-009797-US(PAR)	5523

2512 7590 03/24/2004

PERMAN & GREEN  
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EXAMINER

TON, ANTHONY T

ART UNIT PAPER NUMBER

2661

DATE MAILED: 03/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/749,055

Applicant(s)

RAISANEN, VILHO

Examiner

Anthony T Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4 and 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTIONS

### Drawings

1. The drawings are objected to because of the following informalities:

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “**36**” has been used to designate both “**Dejitter Buffer**” in **Fig.3** and “**Decoder**” in **Fig.5**.

Examiner suggests changing this character shown in **Fig.5** to “**37**”.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### Specification

2. The disclosure is objected to because of the following informalities:

a) Sentence “a uniform entity formed of a header field placed **around a data packet/data packets and the data packet/data packets**” shown in **page 4 lines 25-27**; the language structure for this sentence is not quite clear. Examiner does not understand the phrase “**around a data packet/data packets and the data packet/data packets**”. The phrase should be specified more clearly.

b) Term “packet could have been **utilise**” in **page 10 line 5** is not appropriated.

Examiner suggests changing this term to “packet could have been **utilised**”.

c) Written language structure for paragraph “**When the play-out delay ... means (step 71)**” in **page 11 lines 32-36** is not quite clearly; it is very confused with many words “**when**” that were used in this paragraph.

Appropriate correction is required.

***Claim Objections***

3. **Claims 1 and 11** are objected to because of the following informalities:

a) Term “**such** a value” in **Claim 1** line **5** is not appropriate since there was an insufficient antecedent basis for the such a value.

Examiner suggests changing this term to “**a value**”.

b) Term “was received,” in **Claim 11** line **5** is not appropriate; the comma “,” should be replaced by a semi-colon “;” to be consistent with other places.

Examiner suggests changing this term to “was received;”.

c) Term “**wherein the method comprises**” in **Claim 11** line **6** is not appropriate because the term “method” is redundant, which was recited previously in line 1.

Examiner suggests changing this term to either “wherein the method **further** comprises” or completely delete this term from the claim; it is depending upon the applicant’s choice.

d) Term “**to processing means**” in **Claim 11** line **12** is not appropriate.

Examiner suggests changing this term to “to **a** processing means”.

e) Term “a clock **(54)**” in **Claim 11** line **13** is not appropriate. The term “(54)” should be removed from its place.

Examiner suggests changing this term to “**a clock**”.

f) Term “**from the moment the data packet was received**” in **Claim 11** line **14** is not quite clearly.

Examiner suggests changing this term to “from **a moment that** the data packet was received”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims **1-19** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6. **Claims 1-19** are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the claimed subject matter of **Claim 1** from **line 5** to **line 9** “**calculating means ... said play-out delay**” and of **Claim 11** from **line 4** to **line 11** “**after a play-out delay from the ... said play-out delay**” are not adequately specified. Referring to the specification page 9 lines 25-36 and page 10 lines 2-14 for Claim 1 and Claim 11, respectively, such a claimed subject matter of Claims 1 and 11 would not be adequately supported by the scope of enabling disclosure. The specification does not reasonably provide enablement for the claimed subject matter “**for calculating such a value ... said play-out delay**” in lines 5-9 (**Claim 1**); and the subject matter “**calculating ... said play-out delay**” in lines 7-11 (**Claim 11**). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The subject matter “**play-out delay**” in the **Claims 1 and 11** is not clearly defined or supported by the specification. In addition, term “**a value**” and term “**with which value** of the n temporally most recent data packets” in **Claim 1** in **lines 5-6** and in **Claim 11** in **line 7** cannot be distinguished to each other. Also, term “**only m**

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**pieces**” in **Claim 1** in **line 6** and in **Claim 11** in **line 8** is insufficient antecedent basis because the specification would not clearly disclose a reference for such **m** pieces.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. **Claims 1 - 19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) **Claim 1** recites the limitation "**the n temporally most recent data packets**" in **line 6**. There is insufficient antecedent basis for this limitation in the claim.

b) **Claim 1** recites the limitation "**the data bursts**" in **line 7**. There is insufficient antecedent basis for this limitation in the claim.

c) **Claim 1** lines **5-9** are not adequately specified: Is term "**such a value**" in **line 5** the same as the term "**which value** of the **n** temporally most recent data packets" on lines 5-6? In addition, term "**only m pieces**" in **line 6** is insufficient antecedent basis; what do the pieces stand for?

d) **Claim 11** recites the limitation "**the n temporally most recent data packets**" in **line 8**. There is insufficient antecedent basis for this limitation in the claim.

e) **Claim 11** recites the limitation "**the data bursts**" in **line 9**. There is insufficient antecedent basis for this limitation in the claim.

f) **Claim 11**, claimed language recited from **line 7** to **line 11** is not adequately specified: Is term "**a value**" in **line 7** the same as the term "**which value** of the **n** temporally most recent data packets" on **line 7**? In addition, term "**only m pieces**" in **line 8** is insufficient antecedent basis; what do the pieces stand for?


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***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is 703-305-8956. The examiner can normally be reached on M-F: 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on 703-305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ATT 3/18/2004

  
**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**